

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

)
)
) CASE NO. 05-340 (***)
) (consolidated)
)

**NOTICE OF TAKING THE VIDEO-TAPED DEPOSITION OF
MARGARET E. GUERIN-CALVERT**

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, Plaintiffs, in the above-referenced action will take the video-taped deposition upon oral examination of Margaret E. Guerin-Calvert at a time and place mutually agreed-upon by counsel. The testimony of the witness will be video-taped and will be recorded and transcribed by a court reporter. The deposition will continue from day to day until completed. All counsel are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE that, under Federal Rules of Civil Procedure 26(a)(2) (B), 26 (b)(1), and 34, defendants are requested and required to produce within ten (10) days of the date of this Notice the documents identified on Exhibit "A" attached hereto.

Respectfully submitted,

By:



Jeffrey S. Goddess (Del. Bar No. 630)
ROSENTHAL, MONHAIT & GODDESS, P.A.
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, Delaware 19899-1070
(302) 656-4433
jgoddess@rmgglaw.com

EXHIBIT "A" TO THE NOTICE OF DEPOSITION OF MARGARET E. GUERIN-CALVERT

The Defendants are required to produce the following documents:

1. All documents, work papers, or other materials, electronic or otherwise, not yet produced to the Direct Purchaser Class Plaintiffs in this litigation that:
 - (a) Ms. Guerin-Calvert relies upon or intends to rely upon in connection with her June 29, 2007 report (and any opinions expressed therein); and
 - (b) were prepared by Ms. Guerin-Calvert or persons working under her direction in connection with her June 29, 2007 report, and upon which Ms. Guerin-Calvert relies or intends to rely in any way for any of her opinions in this case, including, without limitation, those non-public documents, work papers, or other materials cited in Tabs A & B to Ms. Guerin-Calvert's report;
2. The underlying data and documents relating to all tables and figures in Ms. Guerin-Calvert's report.
3. In electronic form where available, all: data and reports by Verispan and/or any other data collection agency or company, including the "TriCor Persistency Curve Analysis" and the "Verispan Persistence Analysis," and all correspondence between Ms. Guerin-Calvert (and/or persons working on her or Defendants' behalf), and Verispan concerning data requested, directions, instructions, or assumptions used when gathering the data, and the underlying characteristics of Verispan's survey methodology and data construction.

DEFINITIONS AND INSTRUCTIONS WITH RESPECT TO EXHIBIT "A"

A. This set of document Requests is hereby served on the defendant (hereinafter referred to as "you" or "the deponent").

B. You must produce all of the described documents called for by these Requests. "Document" means all material within the scope of the applicable Rules of Civil Procedure, including but not limited to:

1. All depositions, communications, letters, telegrams, reports, cablegrams, correspondence, memoranda, records, reports, notes, drafts, data, data compilations, spreadsheets, charts, calculations, proposals, minutes, affidavits, books, papers, magazines, newspaper articles, logs, calendars, diaries, journals, lists, brochures, pamphlets, literature, advertising, computations, tabulations, computer printouts, computer files, computer drives, home computer contents, personal computer contents, floppy disks, zip disks, databases, database entries, database queries, database query results, word processing files, spreadsheet program files, bills, statements, invoices, vouchers, bills of lading, schedules, purchase orders, change orders, work orders, contracts, agreements, books of original entry, accounts, checks, tape recordings, photostats, motion pictures, slides, photographs, sketches, drawings, charts, graphs, video recordings, writings, electronic transmissions, e-mail transmissions, images, interoffice communications, satellite network communications, manuals, brochures, computerized memorializations, network communications and transmissions, VSAT network communications, VPN communications and transmissions, transcripts and other similar objects, or any other written, printed, recorded, electronic, electric, magnetic, digital, or video matter or tangible thing on which any words, numbers, or phrases are affixed or conveyed;
2. All depositions and documents, including pleadings, Interrogatory answers, responses to requests for production, responses to requests for admission, and any other document containing statements, admissions, or other matter prepared by or on behalf of you, your party-opponent(s), or codefendants, from any and all other lawsuits or other legal proceedings.
3. Copies of such documents upon which appear any initialing, notation or handwriting of any kind not appearing on the original;
4. Such documents, whether they are prepared by you or your agents, employees, consultants, representatives or attorneys, for their own use, or for transmittal in any manner, or were received by any means by you and prepared by another; and

5. Such documents, wherever located, whether in the files of any agent, employee, consultant, contractor, representative, or attorney of yours, or in any file in the possession, custody or control of you.

C. In producing the requested documents, you must include all documents or writings of which you have knowledge:

1. whether created by you, sent by you, sent to you, received by you, in your possession
2. whether created by, sent by, sent to, received by, or in the possession of any other person, firm, corporation or other entity
3. whether a previous version, edition, revision or draft; a subsequent version, edition, revision or draft; a superseded version, edition, revision or draft; or an obsolete version, edition, revision or draft
4. that constitute the sought document or writing, or which refer to, relate to, pertain to, or reflect the sought document or writing.

The foregoing is hereby incorporated into each applicable Request in this set as though set forth fully at length as a subpart thereof.

D. Whenever you choose to withhold from production any document called for by these Requests, you must provide a log containing the following information:

1. The title of the document or writing;
2. The number of pages of the document or writing;
3. The identity of all author(s) or drafters of the document or writing;
4. The identity of each person to whom an original or a copy of the document or writing was sent;
5. The subject matter of the document or writing;
6. The subject matter and a description of the material withheld, to the fullest extent possible short of waiving the claim to privilege; and
7. The reason for withholding the document or writing.
8. The identity of each person, firm, corporation or other entity in possession of an original or copy of the document or writing;

9. The identity of each person, firm, corporation or other entity in last known possession of an original or copy of the document or writing;
10. The date the document or writing was created;
11. The version, revision or edition of the document or writing;
12. Whether the document or writing is a draft copy or final version;
13. The identity of all other versions, editions, revisions or drafts of the document or writing (even if superseded or obsolete), together with the creation dates and effective dates of all other versions, editions, revisions or drafts.

The foregoing is hereby incorporated into each applicable Request in this set as though set forth fully at length as a subpart thereof.

E. You have the duty to seasonably supplement your responses into the future.

F. The singular form of a word shall refer to the plural as well and words used in the masculine gender shall also include the feminine.

G. "And" and "or" shall be construed either conjunctively or disjunctively as required by the context of the Request to bring within the scope of the Request any document or writing or information that might be deemed outside its scope by another construction.

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2007, I electronically filed the foregoing document using CM/ECF, which will send notification of such filing to all registered participants, including:

Josy W. Ingersoll, Esquire
John W. Shaw, Esquire
Karen Keller, Esquire
Young Conaway Stargatt
& Taylor LLP
The Brandywine Building
1000 West Street, 17th Floor
P. O. Box 391
Wilmington, DE 19899-0391

Mary B. Graham, Esquire
James W. Parrett, Jr., Esquire
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P. O. Box 1347
Wilmington, DE 19899

Frederick L. Cottrell, III, Esquire
Anne Shea Gaza, Esquire
Richards Layton & Finger
One Rodney Square
920 North King Street
Wilmington, DE 19801

Mary B. Matterer, Esquire
Morris James Hitchens & Williams LLP
222 Delaware Avenue
10th Floor
P. O. Box 2306
Wilmington, DE 19899

Pamela S. Tikellis, Esquire
Robert J. Kriner, Jr., Esquire
A. Zachary Naylor, Esquire
Chimicles & Tikellis LLP
One Rodney Square
P. O. Box 1035
Wilmington, DE 19899

Jonathan L. Parshall, Esquire
Murphy & Landon
1011 Centre Road
Suite 210
Wilmington, DE 19801

Elizabeth M. McGeever, Esquire
Prickett Jones Elliott, P.A.
1310 King Street
P. O. Box 1328
Wilmington, DE 19899

Michael I. Silverman, Esquire
Lynn A. Iannone, Esquire
Silverman & McDonald
1010 N. Bancroft Parkway #22
Wilmington, DE 19805

Patrick Francis Morris, Esquire
Morris & Morris
1105 North Market Street
Suite 803
Wilmington, DE 19801

I hereby certify that on August 3, 2007, I sent by electronic mail the foregoing document to the following non-registered participants:

REPRESENTING DIRECT PURCHASER CLASS
(C.A. No. 05-340):

Bruce E. Gerstein
bgerstein@garwingerstein.com

Barry S. Taus
btaus@garwingerstein.com

Adam M. Steinfeld
asteinfeld@garwingerstein.com

Rimma Neman
rneman@garwingerstein.com

Daniel Berger
danberger@bm.net

Eric L. Cramer
ecramer@bm.net

Peter Kohn
pkohn@bm.net

Neill W. Clark
nclark@bm.net

John D. Radice
jradice@bm.net

Linda P. Nussbaum
lnussbaum@kaplanfox.com

David P. Germaine
dgermaine@vaneklaw.com

Joseph Vanek
jvanek@vaneklaw.com

Stuart Des Roches
stuart@odrlaw.com

Andrew Kelly
akelly@odrlaw.com

Adelaida Ferchmin
aferchmin@odrlaw.com

David P. Smith
dpsmith@psfllp.com

Russell A. Chorush
rchorush@hpcllp.com

Michael F. Heim
mheim@hpcllp.com

REPRESENTING WALGREEN, ECKERD,
KROGER, MAXI, CVS, RITE AID
(C.A. No. 05-340):

Elizabeth M. McGeever
emmcgeever@prickett.com

Scott E. Perwin
sperwin@kennynachwalter.com

Lauren Ravkind
lravkind@kennynachwalter.com

Joseph T. Lukens
jluken@hangle.com

REPRESENTING PACIFICARE
(C.A. No. 05-340):

Jonathan L. Parshall
jonp@msllaw.com

William Christopher Carmody
bcarmody@susmangodfrey.com

John Turner
jturner@susmangodfrey.com

Shawn Rabin
srabin@susmangodfrey.com

Ken Zylstra
zylstra@marcusauerbach.com

Jerome Marcus
jmarcus@marcusauerbach.com

Lyle Stamps
lstamps@sbclasslaw.com

Steve Connolly
sconnolly@sbclasslaw.com

Casey Murphy
cmurphy@sbclasslaw.com

Mark Sandman
mms@rawlingsandassociates.com

Jeffrey Swann
js5@rawlingsandassociates.com

REPRESENTING IMPAX
LABORATORIES (C.A. No. 03-120)

Mary Matterer
mmatterer@morrisjames.com

John C. Vetter
jvetter@kenyon.com

Asim Bhansali
abhansali@kvn.com

REPRESENTING INDIRECT PARTY
PLAINTIFFS (C.A. No. 05-360):

Pamela S. Tikellis
Thomas M. Sobol
Patrick E. Cafferty
Jeffery L. Kodroff
Bernard J. Persky
Michael Gottsch
A. Zachary Naylor
Robert Davis
Brian Clobes
Michael Tarringer
Tim Fraser
David Nalven
Greg Matthews
Christopher McDonald
Kellie Safar
Ted Lieverman
Pat Howard
trikor@chimicles.com

Michael I. Silverman
mike@silverman-mcdonald.psemail.com

Lynn A. Iannone
lynn@silverman-mcdonald.psemail.com

Patrick Francis Morris
pmorris@morrisandmorrislaw.com

REPRESENTING TEVA
PHARMACEUTICALS (C.A. No. 02-1512):

Josy W. Ingersoll
Bruce M. Gagala
Karen E. Keller
Christopher T. Holding
Ken Cohen
Elaine Blais
trikor@ycst.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham
tricor@mnat.com

James W. Parrett, Jr.
jparrett@mnat.com

William F. Cavanaugh
wfcavanaugh@pbwt.com

Chad J. Peterman
cjpeterman@pbwt.com

Thomas W. Pippert
twpippert@pbwt.com

REPRESENTING FOURNIER (ALL CASES):

Frederick L. Cottrell, III
Anne Shea Gaza
Steven S. Sunshine
Matthew P. Hendrickson
Bradley J. Demuth
Maggie DiMoscato
Timothy C. Bickham
tricor@rlf.com

/s/ Jeffrey S. Goddess

Jeffrey S. Goddess (Del. Bar No. 630)
Jessica Zeldin (Del. Bar No. 3558)
Rosenthal, Monhait & Goddess, P.A.
Suite 1401, 919 Market Street
P. O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
jgoddess@rmgglaw.com
jzeldin@rmgglaw.com